

*E-filed on* 1/3/07

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE CYGNUS TELECOMMUNICATIONS  
TECHNOLOGY, LLC, PATENT  
LITIGATION

No. MDL-1423  
This Order Applies to All Actions

**THIS ORDER RELATES TO:  
All Actions**

C-02-00142 RMW  
C-02-00145 RMW  
C-02-05437 RMW  
C-03-03378 RMW  
C-03-03594 RMW  
C-03-03596 RMW  
C-03-04003 RMW  
C-04-03001 RMW  
C-04-03365 RMW  
C-04-04247 RMW  
C-04-04359 RMW  
C-06-03843 RMW  
C-06-04295 RMW  
C-06-06479 RMW

**ORDER DEEMING MOTIONS SUBMITTED  
ON THE PAPERS & TEMPORARILY  
BARRING FURTHER FILING OF MOTIONS**

24 The court held a hearing on claim construction and several related motions for summary  
25 judgment on November 21, 2006 and has not yet issued a ruling. On December 1, 2006, plaintiff  
26 Cygnus Telecommunications Technology, LLC filed what it styled a revised motion for summary  
27 judgment against defendant United World Telecom, L.C. ("UWT"). UWT and defendant AT&T  
28 Corp. filed separate responses, asking the court to strike Cygnus's latest filing. AT&T asked, in the

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1 alternative, for leave to file a response, arguing that Cygnus's motion, although ostensibly directed  
 2 against only UWT, in reality covered issues common to all defendants.

3 Cygnus's revised motion and the defendants' counter-motions are all deemed submitted on  
 4 the papers. No hearing will be held. No further filings will be accepted in connection with these  
 5 motions.

6 In fact, until the court resolves all pending issues related to claim construction, validity of the  
 7 patents-in-suit, and infringement liability of individual defendants, no party should file any further  
 8 substantive motions. Permissible filings would be things like a notice of PTO action,<sup>1</sup> notice of a  
 9 relevant recent decision, scheduling matters involving recently-served defendants,<sup>2</sup> or stipulations  
 10 regarding settlement.

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13 DATED: 1/3/07

*Ronald M Whyte*  
 14 RONALD M. WHYTE  
 United States District Judge

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<sup>1</sup> The court is aware that on December 19, 2006, the PTO issued a final rejection of claims 6 through 11 in the reexamination of U.S. Patent No. 6,035,027.

<sup>2</sup> On September 20, 2006, the court instructed Cygnus to show cause by December 20, 2006 why any defendant in case no. C-06-04295 remained unserved, but the docket for that case shows no case-specific activity. Similarly, the court expected a joint scheduling proposal from the parties in case no. C-06-06479 some time ago but has not yet received one.

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28 Counsel is responsible for distributing copies of this order to co-counsel, as necessary.

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